COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

A Tradition of Service

DATE: December 23, 2009

OFFICE CORRESPONDENCE FILE NO. SH2237358

FROM: ERIC B. SMITH, COMMANDER
LEADERSHIP AND TRAINING DIVISION

TO: KARYN MANNIS, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE DISPOSITION:**
DEPUTY ROVERTO VALLES #[redacted]
DEPUTY DAVID LOPEZ #[redacted]
DEPUTY PATRICIA RUIZ #[redacted]
TEMPLE STATION

On February 4, 2009, at approximately 0728 hours, Deputies Roverto Valles and David Lopez shot at Suspect Nicolas Alcantar while he attempted to run over deputies with his vehicle. This resulted in a non-hit shooting in the city of Rosemead.

Deputies Valles and Lopez, along with other deputies, responded to [redacted] Earle Avenue regarding a person-screaming call. Upon arrival, the deputies saw the suspect sitting in a vehicle located in a carport. The deputies asked the suspect to step out of the vehicle. The suspect refused to comply, started his vehicle, and drove out of the carport in the direction of the deputies.

The suspect accelerated toward the street and struck Deputy Patricia Ruiz, who was standing near the driveway entrance and was unable to move out of the way. Deputies Valles and Lopez, fearing for Deputy Ruiz's life, fired several rounds, missing the suspect.

Deputy Valles fired three rounds of Department-issued 9mm ammunition from a Department-issued Beretta Model 92FS, 9mm semiautomatic pistol. Deputy Lopez fired four rounds of Department-issued 9mm ammunition from a Department-issued Beretta Model 92FS, 9mm semiautomatic pistol.

The suspect fled southbound on Earle Avenue, then westbound on Klingerman Street. The suspect abandoned his vehicle and fled on foot. A containment was established and after several hours, the suspect was located and arrested.

Suspect Alcantar was booked at Temple Station for Assault with a Deadly Weapon on a Peace Officer and a parole violation.

On November 19, 2009, the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: MPP §§ 3-01/025.00, Use of Force; 3-01/025.30, Use of Firearms and Deadly Force; 3-01/025.10, Unreasonable Force; and 3-01/050.10, Performance to Standards.

Concerning:

MPP § 3-01/025.00, Use of Force, MPP § 3-01/025.30, Use of Firearms and Deadly Force, and MPP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputy Roverto Valles #[redacted]was reasonable and necessary and in compliance with Department policy.

MPP § 3-01/025.00, Use of Force, MPP § 3-01/025.30, Use of Firearms and Deadly Force, and MPP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputy David Lopez #[redacted]was reasonable and necessary and in compliance with Department policy.

MPP § 3-01/025.00, Use of Force, MPP § 3-01/025.30, Use of Firearms and Deadly Force, and MPP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputy Patricia Ruiz #[redacted]was reasonable and necessary and in compliance with Department policy.

MPP § 3-01/050.10, Performance to Standards, the Committee determined that the tactics employed by all personnel in this incident were within Department Policy.

Eric B. Smith, Commander

EBS:YLW/ylw

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SH2237358

Los Angeles County Sheriff's Department
Officer Involved Shooting

Report Date:	Bureau/Station/Facility:	Admin. Invest.? ☐	Hit? ☒
February 4, 2009	Temple City Station		

Incident Information

URN: 009-01705-0533-057

Date: February 4, 2009   Time: 0728 Hrs.

City or Station: Rosemead

Location: [redacted] Earle Avenue

Nature of Incident: Deputies responded to a 927S call. While conducting an investigation they noticed the suspect sitting in a vehicle. The suspect rbacked the vehicle out of the carport then accelerated towards deputies standing in the driveway, striking one of the deputies. Deputies Valles and Lopez fired their handguns at the vehicle in an effort to prevent the suspect from colliding into the deputies.

Location Type (*circle one or more*): Backyard, Beach, Business, Freeway, Industrial, Park, Parking Lot, **Residence**, Rural, School, Street, Other: ______

Lighting (*circle only one*): Darkness, **Daylight**, Other, Street Lights

Weather (*circle only one*): **Clear**, Cloudy, Fog, Rain

Distance:

Incident Type (*circle one or more*): Accidental, Armed Person, Fleeing Suspect, Foot Pursuit, Gun Take Away, **Moving Vehicle**, Sniper/Ambush, Startle, Struggle Involved, Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Warning Shot, Other: ______

Initiated by (*circle only one*): Arrest Warrant, **Call**, Observation, One Person Unit, Other, Search Warrant, Two Person Unit

Prior Activity (*circle only one*): Detective, Inmate Transport, Other, **Routine Patrol**

Aero Unit? ☐   Canine Unit? ☐

Total # of Shots Fired by Deputy: 7

Total # of Shots Fired by Suspect: 0

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
[redacted]	Ruiz	Patricia		EM PM **Day**	**Regular** Overtime Off Duty
[redacted]	Bearse	Cynthia		EM PM **Day**	**Regular** Overtime Off Duty
[redacted]	Busche	Steven		EM PM **Day**	**Regular** Overtime Off Duty

Non-Employee Witnesses

Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph
Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph
Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph

Supervisors

Employee #	Last Name	First Name	M.I	(*circle one or more*):
[redacted]	Marascola	Richard		**On Duty**, Present during shooting, Witness to shooting, Involved in shooting
				On Duty, Present during shooting, Witness to shooting, Involved in shooting

1 Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Martinez	Michael	

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Craton	Robert	A.

PSTD Use Only

SH # ____________

Officer Involved Shooting

URN: 009-01705-0533-057

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
Febuary 4, 2009	0830	02-06-09	02-04-09

Employee #	Last Name	First Name	M.I
[redacted]	Brickert	Scott	J.
[redacted]	Maldonado	Albert	H.
[redacted]	Ramirez	Jack	

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED (one code per block)

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S 1	E 1	UC					NN	
S 1	E 1	OV					NN	NN
E1	S1	FH	BR	9	Y	Y	SD	SH
E 2	S 1	FH	BR	9	Y	Y	SD	SH

See Front Side

Officer Involved Shooting
Involved Employee Information

URN: 009-01705-0533-057

Involved Employees

E 1

Employee # [redacted] | Last Name: Valles | First Name: Rovarto | M.I.:

Sex: M | Race: H | Rank: Deputy | Unit Assignment: Temple City Station | Work Assignment (Unit #, Module, etc.): 53B6

ShiftTime (*circle only one*): EM PM (Day) | ShiftType (*circle only one*): (Regular) Overtime Off Duty | Intoxication/Drug Usage? ☐ | Substance Used: N/A

Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case #: | Interviewed? ☐

Hrs of sleep prior to shooting: 6-8 | Duty Ti[redacted]

Clothing (*circle only one*): Plain Clothes no Vest / Raid Jacket w/ Vest / Plain Clothes w/ Vest / Uniform no Vest / Raid Jacket no Vest / (Uniform w/ Vest)

Other Factors:

Age: [redacted] | Height: 5-10 | Weight: 190

Range Qualification Date: [redacted] | PPC Qualification Date: [redacted] | Laser Training Date: [redacted]

Certified with Weapon Used? [redacted] | Patrol Certification? [redacted] | Certification Unit: [redacted] | Prior Shootings? [redacted] | Number of Prior Shootings: [redacted] | Directed Force: [redacted]

Weapons Fired Brand: Beretta | Caliber: 9 mm | # Shots: 3 | Weapons Fired Brand: | Caliber: | # Shots:

Field Training Officer Emp # [redacted] | Last Name [redacted] | First Name [redacted] | M.I.

Field Training Officer Emp # [redacted] | Last Name [redacted] | First Name [redacted] | M.I.

E 2

Employee # [redacted] | Last Name: Lopez | First Name: David | M.I.:

Sex: M | Race: H | Rank: Deputy | Unit Assignment: Temple City Station | Work Assignment (Unit #, Module, etc.): 53B6

ShiftTime (*circle only one*): EM PM (Day) | ShiftType (*circle only one*): (Regular) Overtime Off Duty | Intoxication/Drug Usage? ☐ | Substance Used:

Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case #: | Interviewed? ☐

Hrs of sleep prior to shooting: 8 | Duty Ti[redacted]

Clothing (*circle only one*): Plain Clothes no Vest / Raid Jacket w/ Vest / Plain Clothes w/ Vest / Uniform no Vest / Raid Jacket no Vest / (Uniform w/ Vest)

Other Factors:

Age: [redacted] | Height: 508 | Weight: 205

Range Qualification Date: [redacted] | PPC Qualification Date: [redacted] | Laser Training Date: [redacted]

Certified with Weapo[redacted] Used? | Patrol Certification? [redacted] | Certification Unit: [redacted] | Prior Shootings? [redacted] | Number of Prior Shootings: [redacted] | Directed Force: [redacted]

Weapons Fired Brand: Beretta | Caliber: 9mm | # Shots: 4 | Weapons Fired Brand: | Caliber: | # Shots:

Field Training Officer Emp # [redacted] | Last Name [redacted] | First Name [redacted] | M.I.

Field Training Officer Emp # | Last Name | First Name | M.I.

E __

Employee # | Last Name | First Name | M.I.

Sex: | Race: | Rank: | Unit Assignment: | Work Assignment (Unit #, Module, etc.):

ShiftTime (*circle only one*): EM PM Day | ShiftType (*circle only one*): Regular Overtime Off Duty | Intoxication/Drug Usage? ☐ | Substance Used:

Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case #: | Interviewed? ☐

Hrs of sleep prior to shooting: | Duty Time (hrs):

Clothing (*circle only one*): Plain Clothes no Vest / Raid Jacket w/ Vest / Plain Clothes w/ Vest / Uniform no Vest / Raid Jacket no Vest / Uniform w/ Vest

Other Factors:

Age: | Height: | Weight:

Range Qualification Date: | PPC Qualification Date: | Laser Training Date:

Certified with Weapon Used? ☐ | Patrol Certification? ☐ | Certification Unit: | Prior Shootings? ☐ | Number of Prior Shootings: | Directed Force: ☐

Weapons Fired Brand: | Caliber: | # Shots: | Weapons Fired Brand: | Caliber: | # Shots:

Field Training Officer Emp # | Last Name | First Name | M.I.

Field Training Officer Emp # | Last Name | First Name | M.I.

See Other Side

Officer Involved Shooting
Involved Employee Information

URN: 009-01705-0533-057

Involved Employee

E 1

Employee # [redacted]	Last Name Valles	First Name Rovarto	M.I. -
Sex: M Race: H	Rank Deputy	Unit Assignment: Temple City Station	Work Assignment (Unit #, Module, etc.): 53B6
ShiftTime (*circle only one*): EM PM **Day**	ShiftType (*circle only one*): **Regular** Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used: N/A
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # Interviewed? ☐
Hrs of sleep prior to shooting: 6-8	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, **Uniform w/ Vest**	Other Factors:
Age: 35	Height: 5-10	Weight: 190	
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted] Directed Force: [redacted]
Weapons Fired Brand: Beretta	Caliber 9 mm	# Shots 3	Weapons Fired Brand: Caliber # Shots
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.

E 2

Employee # [redacted]	Last Name Lopez	First Name David	M.I.
Sex: M Race: H	Rank Deputy	Unit Assignment: Temple City Station	Work Assignment (Unit #, Module, etc.): 53B6
ShiftTime (*circle only one*): EM PM **Day**	ShiftType (*circle only one*): **Regular** Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # Interviewed? ☐
Hrs of sleep prior to shooting: 8	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, **Uniform w/ Vest**	Other Factors:
Age: [redacted]	Height: 508	Weight: 205	
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted] Directed Force: [redacted]
Weapons Fired Brand: Beretta	Caliber 9mm	# Shots 4	Weapons Fired Brand: Caliber # Shots
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E __

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age:	Height:	Weight:	
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings: Directed Force: ☐
Weapons Fired Brand:	Caliber	# Shots	Weapons Fired Brand: Caliber # Shots
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

See Other Side

Officer Involved Shooting Suspect Information

URN: 009-01705-0533-057

Suspect Information

S 1

Last Name: Alcantar	First Name: Nicholas	M.I.
AKA Last Name	First Name	M.I.

Sex: M Race: H	Street Address: [redacted]	City [redacted]	State & Zip Code: [redacted]
Work Phone: [redacted]	Home Phone: [redacted]	Social Security #: [redacted]	Driver's License #: [redacted]
Age: 30 D.O.B. 11-13-78	Height: 506 Weight: 180	FBI # [redacted]	CII # [redacted]
Booking # 1791069	Primary Charge: 3056 PC	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make		Model:	Year:

S__

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.

Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.

Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.

Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

SIGNIFICANT FORCE INCIDENT EVALUATION

UNIT: Temple Station
DATE: February 4, 2009
TIME: 0728 hours
LOCATION: [redacted] Earle Avenue, Rosemead
URN#: **009-01705-0533-057**
IAB#: **SH2237358**

NATURE OF INCIDENT:

On February 4, 2009, at approximately 0730 hours, Deputies Rovarto Valles and David Lopez were involved in an on-duty, non-hit shooting at [redacted] Earle Avenue in the city of Rosemead.

Deputies Valles and Lopez , along with other deputies responded to the location in regards to a person screaming call. Upon their arrival, the deputies noticed the suspect sitting in a vehicle located in a carport area at the location. The deputies contacted the suspect and asked him to step out of the vehicle. The suspect refused to comply, started his vehicle and drove out of the carport in the direction of the deputies.

The suspect accelerated towards the street and struck Deputy Pat Ruiz who was standing near the driveway entrance at the location. The vehicle struck Deputy Ruiz who was unable to move out of the way. Deputies Valles and Lopez, fearing for Deputy Ruiz's life, fired several rounds at the vehicle.

The suspect, who was not hit, fled the location south bound on Earle Avenue then west bound Klingerman Street. The suspect abandoned his vehicle and fled on foot. A containment was established and after several hours the suspect was located and arrested.

The suspect (Nicolas Alcantar MH/ 30) was booked at Temple Station for Assault with a Deadly Weapon on a Peace Officer and a parole violation.

INVOLVED PERSONNEL:

Valles, Roverto- Deputy, Employee #[redacted]

Temple Station
53B6
Field Operations Region II

EMPLOYEE'S WORK HISTORY:

Date of Employment: 07-06-00
Date Assigned to Temple: 12-10-06
Prior Shooting Incident(s): [redacted]
Prior Founded Force Incidents: [redacted]

Lopez, David- Deputy, Employee [redacted]
Temple Station
53B6
Field Operations Region II

EMPLOYEE'S WORK HISTORY:

Date of Employment: 04-19-01
Date Assigned to Temple: 10-28-07
Prior Shooting Incident(s): [redacted]
Prior Founded Force Incidents: [redacted]

INVOLVED SUBJECT:

Alcantar, Nicholas MH/30, DOB: 11-13-78
[redacted]
Booking Charges: 664/187 P.C.

Involved Suspect Criminal History:
Subject Smith's criminal history consists of [redacted]

INVOLVED DEPUTY WITNESSES:

Deputy Patricia Ruiz #[redacted]
Temple Station

Deputy Cynthia Bearse #[redacted]
Temple Station

Deputy Steven Busch #[redacted]
Temple Station

Deputy Hubert Wang #[redacted]
Temple Station

NON-DEPARTMENT WITNESSES:

None

INVOLVED EMPLOYEE STATEMENTS:

Deputy Roverto Valles #[redacted] was interviewed on July 7, 2009, by Sergeants Albert Maldonado and Jack Ramirez of the Internal Affairs Bureau. The interview took place at the Internal Affairs Bureau office and was digitally recorded.

Deputy Valles said he and other members of the Rosemead Special Assignment team were at the Rosemead substation briefing for an operation they would be conducting later in the morning. During their briefing they heard a call via the Sheriff's radio regarding a person screaming. The call required a Code-3 response.

Deputy Valles said since the location was close to the substation, and the fact the area is known gang area, he and the other members of his team decided to respond. Upon their arrival they noticed Deputies Wang and Busch were already at the scene and were detaining a male Hispanic adult, who seemed to be uncooperative, on the street directly in front of the location. Since the situation was still not secure, he (Deputy Valles) stayed with Deputies Wang and Ruiz who were detaining the male, while Deputies Busch, Bearse and Lopez went to the rear house (location).

Deputy Valles said he was standing on the sidewalk directly in front of the location and could not see the back end of the driveway or what was occurring at the front door of the location.

While detaining the male, who was still uncooperative, at the front of the location, he heard screaming and what sounded like a disturbance coming from the rear portion of the driveway. He said, with Deputy Ruiz following closely behind him, he began to walk to the driveway to see if he could ascertain what was occurring.

Deputy Valles said as he began to walk down the driveway he saw a vehicle (Toyota 4 Runner) facing him in the driveway. He heard Deputies Bearse and Lopez yell for the

driver to stop. Suddenly the driver of the vehicle accelerated the vehicle directly towards him. He removed his handgun from his holster and pointed it at the vehicle as he moved to get out of the way and not be struck. He jumped to his left and was able to avoid being struck by the vehicle. He said as the vehicle passed him he noticed the driver flinched and slowed down as if he was concerned he (Valles) would fire his handgun at him. Suddenly, the driver accelerated again, directly towards Deputy Ruiz, who was standing just east of him. Fearing that Deputy Ruiz would not be able to move out of the way of the vehicle's path and be struck by the vehicle, he fired three rounds at the driver and sole occupant of the vehicle. He estimated he was approximately 5-7 feet away from the rear of vehicle when he fired at it. He said he could see the driver's head but aimed for center mass of the driver seat in an effort to stop the suspect's assault.

I.A.B. Note: Deputy Valles said he was aware that Deputy Wang was to the north of the vehicle while Deputy Ruiz was off to the south. The rest of the deputies were to the rear (west) of the vehicle. The background was the street in which there were no pedestrians. He was confident there was never a threat of a crossfire.

The vehicle exited the driveway then turned south bound on Earle Avenue. The vehicle stopped for a few seconds then, again, accelerated south bound on Earle Avenue then west bound on Klingerman Avenue.

Deputy Valles said he immediately initiated a radio broadcast advising he was just involved in a shooting. He and Deputy Lopez entered their radio car and followed the vehicle westbound on Klingerman Avenue. When they reached Klingerman Avenue they noticed the suspect vehicle was stopped at Angeles Street. They set up a containment as they were not sure if the suspect was still in the vehicle. When sufficient units arrived, they set up a tactical plan and safely made sure the vehicle was not occupied. When they approached the vehicle they noticed the suspect had fled.

Deputy David Lopez #[redacted] was interviewed on July 7, 2009, by Sergeants Albert Maldonado and Jack Ramirez of the Internal Affairs Bureau. The interview took place at the Internal Affairs Bureau office and was digitally recorded.

Deputy Lopez said he and other members of the Rosemead Special Assignment team were at the Rosemead substation briefing for an operation they would be conducting later in the morning. During their briefing they heard and responded to a call via the Sheriff's radio regarding a person screaming. The call required a Code-3 response.

Deputy Lopez said when they arrived at the location they saw Deputies Wang and Busch detaining a male Hispanic. Deputies Valles and Ruiz stayed in the front of the location as Deputies Busch, Bearse and himself went down the driveway to the front door of the location to investigate the call.

Deputy Lopez said as they approached the front of the location they noticed a vehicle parked in the carport area between the front and rear house of the location. They noticed a person (suspect) in the driver seat, slouched and apparently trying not to be seen by the deputies. Deputy Lopez said they felt he may be related to the call and decided to contact the suspect prior to approaching the front door. He said he and Deputy Bearse simultaneously approached the driver side door and contacted the suspect sitting in the driver seat. He said they identified themselves and asked him to show his hands and to step out of the vehicle. He responded by saying "Fuck you" and shouting obscenities. They ordered him several more times but he refused to comply. He said the suspect reached towards the ignition and started the vehicle. They ordered him several times to stop the vehicle. The suspect refused to turn off the engine and put the car in reverse. He began to back and accelerate the vehicle out of the carport.

Deputy Lopez said the vehicle backed-out of the carport at a high rate of speed. As the vehicle backed out (south bound) it turned east bound and the diver side mirror of the vehicle nearly struck him. He and Deputy Bearse were forced to jump out of the way in an effort to avoid being struck.

Deputy Lopez, believing the suspect was assaulting them, removed his expandable baton and used it to strike the driver side window. He said he wanted to smash the window which would potentially give him an opportunity to utilize his O.C. spray on the driver. He struck the window one time but was unable to smash it.

The suspect was able to back and maneuver the vehicle so that it was facing east bound in the driveway (towards Earle Avenue). Deputy Lopez moved his position counter-clockwise around the vehicle to the passenger side front of the vehicle. As he did so, the vehicle began to move forward in the driveway. As the vehicle moved, Deputy Lopez, ran with the vehicle, to the rear of the driver and continued to order the him to stop. He said he wanted to remain behind the driver while simultaneously attempting to look inside the vehicle for weapons. He said he heard screeching and the vehicle suddenly began to accelerate towards the driveway exit.

Deputy Lopez said, as the vehicle accelerated, he saw his partner standing directly in the path of the vehicle with his handgun drawn and pointed at the driver. He heard Deputy Valles shout at the suspect to stop the car while moving to the south side of the driveway in an effort to avoid being struck by the vehicle. He said he also saw Deputy Ruiz at the mouth of the driveway near a small fence located on the south side of the driveway. The vehicle began to accelerate towards her and he believed she would not have time to step out of the way and would be struck by the vehicle. Fearing she would be struck and potentially "killed," he removed his handgun from his holster and fired four rounds from a distance of approximately three to five feet at the suspect. As he fired his handgun he saw the vehicle actually strike Deputy Ruiz and push her towards the fence.

I.A.B. Note: Deputy Lopez said he was aware the other deputies were to the north of the vehicle and there was not a risk of a crossfire situation. After firing four rounds he said he was able to reassess and see the other deputies were no longer at risk of being struck by the vehicle. He did not fire additional rounds and later learned he instinctively conducted a tactical re-load just after firing at the suspect.

Deputy Lopez said the vehicle exited the driveway then drove south bound on Earle Avenue towards Klingerman Street. He and Deputy Valles re-entered their radio car and drove towards where they last saw the suspect vehicle. When they went west bound onto Klingerman Street from Earle Avenue, they saw the vehicle stopped on Klingerman Street and Angeles Avenue.

Deputy Lopez said they were not sure if the vehicle was still occupied. They positioned themselves at a safe distance and maintained a visual of the vehicle while they awaited the arrival of assisting units. Once the assisting units arrived they safely cleared the vehicle and ensured it was no longer occupied.

SUSPECT'S STATEMENTS:

Suspect Nicolas Alcantar, was interviewed on Febrary 4, 2009 by Homicide Detectives Shaun Mcarthy and Dawn Retzlaff. Suspect Alcantar told them he was parked in the carport of the location while waiting for a friend he was visiting named [redacted] As he sat in the driver seat, numerous deputies approached on foot with their weapons drawn.

Alcantar admitted to the investigators asking the deputies why they had their weapons drawn on him. He also said he was unsure if they gave him verbal commands because his windows were rolled up.

Alcantar also admitted to putting his car in reverse and slowly "backing" out of the carport without conversing with the deputies. He said once he backed out he began to move the car forward when they suddenly began to shoot at the back of his vehicle. He said he accelerated and fled at a high rate of speed only after being fired upon by the deputies.

Alcantar said he was not shot during the incident and received his injuries while being arrested at his [redacted] house [redacted] several hours later. He refused to answer further questions.

DEPARTMENT WITNESS STATEMENTS:

Deputy Patricia Ruiz #[redacted] was interviewed on July 7th, 2009, by Sergeants Albert Maldonado and Jack Ramirez of the Internal Affairs Bureau. The interview took

place at the Internal Affairs Bureau office and was digitally recorded.

Deputy Ruiz said she and other members of the Rosemead Special Assignment team were at the Rosemead substation briefing for an operation they would be conducting later in the morning. During their briefing they heard and responded to a call via the Sheriff's radio regarding a person screaming. The call required a Code-3 response. She was the driver while her partner (Deputy Bearse) was the passenger.

Upon their arrival they saw two patrol vehicles parked just north of the location along the west curbside. Deputy Ruiz parked her vehicle just a little south of the other two radio cars. At that moment she saw Deputy Wang escorting a male Hispanic from the driveway of the location (east bound) towards the radio cars parked in the street. The male appeared to be somewhat uncooperative and argumentative. She said she and Deputy Valles, who responded in tandem with them, stayed with Deputy Wang while the other deputies (Bearse, Busch and Lopez) went to investigate the call.

Deputy Ruiz said she and Deputy Valles watched Deputy Wang as he conducted a "pat-down" search of the male near the rear of her vehicle. She stood on the street while Deputy Valles stood on the west curb, forming a triangle with Deputy Wang as he searched the male.

Deputy Ruiz said as Deputy Wang conducted his pat-down search, she heard yelling from the west end (rear) of the driveway area. Deputy Valles immediately began to investigate and walk towards the rear of the driveway. She also began to approach the driveway by walking west bound from her position towards the driveway entrance. She said as she entered the driveway she maintained visual contact with Deputy Wang who was still conducting his search. Suddenly she heard a vehicle began to accelerate and saw a vehicle approaching her at a high rate of speed. She attempted to run south bound out of the driveway but was unable to avoid being struck by the vehicle, and was pushed against a chain link fence located at the driveway entrance. Almost simultaneously she heard approximately five to six gunshots. She did not know at the time who fired the gun shots.

I.A.B. Note: Deputy Ruiz was struck on the lower right hip/thigh area of her leg. She was not seriously injured but did complain of pain to that area. She was transported to a local hospital and was medically treated/evaluated for her injuries.

Deputy Ruiz said the vehicle continued out of the driveway then south bound on Earle Avenue. She and Deputy Bearse reentered their vehicle and followed the suspect south bound Earle Avenue to west bound Klingerman Street. They located the vehicle on Klingerman Street where they contained the area in an attempt to locate the suspect.

NON-DEPARTMENT WITNESS STATEMENTS:

Deputy Cynthia Bearse #[redacted] was interviewed on July 7th, 2009, by Sergeants Albert Maldonado and Jack Ramirez of the Internal Affairs Bureau. The interview took place at the Internal Affairs Bureau office and was digitally recorded.

Deputy Bearse said she and other members of the Rosemead Special Assignment team were at the Rosemead substation briefing for an operation they would be conducting later in the morning. During their briefing they heard and responded to a call via the Sheriff's radio regarding a person screaming. The call required a Code-3 response. She was the passenger while her partner (Deputy Ruiz) was the driver.

I.A.B. Note: Deputy Bearse said when the call originally came out, she immediately recognized the address as being a problem location. She said the location had a reputation of being a gang "hang-out" frequented by South San Gabriel gang members. She also mentioned having arrested a female out of the location the day prior.

Deputy Bearse said when they arrived at the location she saw Deputy Wang was detaining a male in the street directly in front of the location. She, along with deputies Lopez and Busch, walked via the driveway towards the rear house of the location to investigate the call. As they walked toward the rear house she noticed a car parked in a carport that separated the front and rear house. She also noticed a male (suspect) seated in the driver side, slouching in his seat in an apparent attempt to avoid being seen. She believed the person in the vehicle may be related to the call in which a person was heard screaming. She said she stood near the front driver side door and identified herself as a deputy sheriff. She said the suspect clearly saw her and immediately responded by saying "Fuck you guys." She said she calmly asked him to step out of the vehicle to show her his hands. He again refused then used his keys to turn on the vehicle. She ordered him not to turn on the vehicle but he refused and placed the car into reverse. He began to back (south bound) the car out of the carport. He accelerated the vehicle in reverse causing her and Deputy Lopez, who was standing behind her and towards the rear of the vehicle, to hurriedly move out of the way to avoid being struck by the vehicle. She said both she and Deputy Lopez shouted verbal commands at the suspect to stop the vehicle.

Deputy Bearse said once the vehicle reached the center of the driveway, it stopped then the driver placed the vehicle in drive and accelerated forward. She said the vehicle accelerated rapidly enough that the tires made a screeching noise. The suspect drove the vehicle east bound in the driveway towards the street. She could see her partner (Deputy Ruiz) standing at the driveway entrance. She yelled for the suspect to stop but he did not comply and continued driving towards the street. She remembers seeing Deputy Ruiz's face then lost sight of her when the vehicle was headed directly towards her. She believed Deputy Ruiz was struck by the vehicle. She

then heard three to four gunshots. She said she ran east bound in the driveway and yelled "Crossfire" at the other deputies. She wasn't sure who fired the rounds but she wanted to remind the other deputies to be cognizant of a potential crossfire situation.

I.A.B. Note: Deputy Bearse said she did not fire her weapon because she was aware her position in relation to the other deputies could have resulted in crossfire.

Deputy Bearse said the vehicle exited the driveway and drove south bound on Earle Avenue to west bound Klingerman Street. She and Deputy Ruiz reentered their vehicle and followed the vehicle. They spotted the vehicle on Klingerman Street and set up a containment to locate the suspect who apparently fled on foot.

Deputy Steven Busch #[redacted] was interviewed on July 7th, 2009, by Sergeants Albert Maldonado and Jack Ramirez of the Internal Affairs Bureau. The interview took place at the Internal Affairs Bureau office and was digitally recorded.

Deputy Busch said he responded to a call at the location as an assisting unit regarding a person screaming. He, while working as a one man unit, arrived simultaneously with Deputy Wang who was also a one man unit. Upon their arrival they saw a male Hispanic walking east bound in the driveway towards their location. They contacted and detained the male to ascertain if he was involved in the call.

Deputy Busch said as they detained the male, deputies Bearse, Ruiz, Lopez and Valles, arrived at the location. He (Busch) along with Deputies Bearse and Lopez, walked to the rear house of the location to investigate the call. Deputies Valles and Ruiz stayed with Deputy Wang and the detained male.

Deputy Busch said they walked west bound in the driveway towards the front door. He made contact with a female who was walking out of the front door. She was apparently talking to Sheriff's Dispatch because she told the person on the other end of the line"yeah, they're here." He said he asked her to hang up the phone so he could ascertain what had occurred.

Deputy said as he spoke with the female, Deputies Bearse and Lopez were talking to someone in a vehicle parked in the carport that separated the front and rear residences. He said he was trying to watch them but was still trying to ascertain what had occurred at the location. He said he heard Deputies Bearse and Lopez say "Let me see your hands then several times "Hey don't start the car." He heard the car start and Deputies Bearse and Lopez give several more verbal commands for the driver to stop. He saw the car backing out of the carport and Deputy Lopez, who were positioned towards the rear of the vehicle, jump out of the way in an effort to avoid being struck.

Deputy Busch said after almost being struck by the vehicle, Deputy Lopez removed his expandable baton (ASP) and struck the drivers window in an apparent effort to smash it. Once the vehicle reached the center of the driveway, it accelerated forward (east bound), towards the street (Earle Avenue). He also saw the vehicle was headed directly towards Deputy Ruiz who was standing at the driveway entrance. He momentarily looked back into the location then heard four to five gunshots.

I.A.B. Note: He did not know at the time who fired the gunshots.

Deputy Busch said he turned his attention back towards the vehicle and saw glass breaking and the vehicle still heading directly towards Deputy Ruiz. His attention was split between the persons in the house and the vehicle. He said he saw the vehicle flee then Deputies Lopez, Valles, Ruiz and Bearse, reenter their radio cars and follow the vehicle. He went back out to the street where Deputy Wang was still detaining the male. They awaited the arrival of assisting units before they cleared the house and ascertained the nature of the call.

Deputy Hubert Wang #[redacted] was interviewed on July 7th, 2009, by Sergeants Albert Maldonado and Jack Ramirez of the Internal Affairs Bureau. The interview took place at the Internal Affairs Bureau office and was digitally recorded.

Deputy Wang said he responded to a call at the location as the handling unit regarding a person screaming and possibly bleeding from the lip and nose. He, while working as a one man unit, arrived simultaneously with Deputy Busch who was also a one man unit. Upon their arrival they saw a male Hispanic walking east bound in the driveway towards their location. They contacted and detained the male to ascertain if he was involved in the call. Just after detaining the male deputies Lopez, Valles, Bearse and Ruiz arrived at the location.

I.A.B. Note: Deputy Wang noted the location [redacted] Earle Avenue) is a fourplex with a long common driveway.

Deputy Wang said as they contacted the male he was somewhat uncooperative as he started flailing his arms in the air and yelling "What are you guys doing here?" He said based on the nature of the call and the fact he was being uncooperative, he immediately placed handcuffs on him prior to searching him at Deputy Ruiz and Bearse's radio car for weapons and/or contraband.

Deputy Wang said as he searched the male, deputies Busch, Bearse and Lopez made their way down the long driveway to make contact with the parties involved in the call for service. Deputies Valles and Ruiz remained with him as he searched the male. He said his back was to the location and could not see what was happening in the driveway. Suddenly, he heard someone yell out "245 vehicle." He is not sure who yelled that out but assumed it was a deputy. He turned his attention towards the back

of the driveway and saw the deputies attempting to dodge out of the way of a vehicle (SUV) backing out of a carport. He said the vehicle stopped momentarily and began to move forward at a high rate of speed. He said it appeared the vehicle was driving directly towards him and the male he was searching. He removed his handgun and pointed it at the driver. He said the driver apparently saw him pointing his handgun at hi and suddenly swerved to the right (south side) of the driveway. As the vehicle swerved to the right he immediately heard approximately three gunshots. The vehicle continued out of the driveway and onto south bound Earle Avenue. The vehicle stopped momentarily approximately three houses south of the location then, again, accelerated south bound Earle Avenue to west bound Klingerman Street.

Deputy Wang said he removed the detained male from the backseat of Deputy Ruiz and Bearse's vehicle. He placed the detained male in his radio car while deputies Ruiz and Bearse reentered their vehicle and followed the suspect. He remained with the detained male. Moments later the sister and grandmother of the detained male came out of the house and began to yell profanities at him and Deputy Busch who also remained at the scene. The mother and sister went back into their home.

Deputy Wang said assisting units began to arrive once a containment was set up. They cleared the house and determined the original call involved an argument between a brother (detained male) and sister. The sister had blood coming from her nose. He said the sister told him that she and her brother became involved in an argument over some iPod earphones. During the argument she became upset and left the room and walked into the kitchen area of her home. As she walked into the kitchen she fell and hit her head on the ground which caused her the bleeding from her nose. She was not hit or struck by anyone during this incident.

SUSPECT'S INJURIES:

Suspect Alcantar had bruising and a small laceration to his upper back.

DEPUTY PERSONNEL:

None

PHYSICAL EVIDENCE:

One Beretta, model 92FS, 9mm Luger caliber semiautomatic pistol, serial number BER[redacted]submitted with one magazine containing 12 live "WIN" 9mm Luger caliber cartridges, and one additional live cartridge. (Deputy Roverto Valles).

One Beretta, model 92FS, 9mm Luger caliber semiautomatic pistol, serial number BER[redacted]submitted with two magazines, one containing 15 and one containing 11 live "WIN" 9mm Luger caliber cartridges, and one additional live cartridge. (Deputy David Lopez).

INVESTIGATORS OBSERVATIONS:

No observations.

WEAPONS USED BY DEPUTY PERSONNEL:

Department issued 9mm Beretta Handgun.

WEAPONS USED BY SUSPECTS:

Vehicle (Toyota 4-Runner)

PROPERTY DAMAGE:

None

CRIMINAL INVESTIGATOR and CHARGES FILED:

Charges Filed: On March 4, 2009, Deputy District Attorney Jaime Hernandez from the Rio Hondo / El Monte Branch of the Los Angeles County District Attorney's Office filed one count of assault on a peace officer against Nicolas Alcantar MH/ 11-13-1978.

WEATHER CONDITIONS AND LIGHTING CONDITIONS:

The incident occurred during the hours of daylight.